

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROPICAL FRUIT, S.E.;
AVSHALOM LUBIN;
CESAR OTERO ACEVEDO; and
PEDRO TOLEDO GONZALEZ,

Defendants.

Civil Action No. 97-1442-DRD

**PLAINTIFF UNITED STATES' MOTION FOR LEAVE TO FILE
REPLY TO DEFENDANTS' OPPOSITION TO UNITED STATES
MOTION FOR AN ORDER TO SHOW CAUSE ON CONTEMPT**

On December 16, 2004 (Docket #95), the United States Filed a Motion for an Order to Show Cause regarding Contempt. On May 6, 2005 (Docket #105) Defendants filed an Opposition to the United States Motion for an Order to Show Cause. In their Opposition, Defendants' raise new issues regarding their attempt to modify and rewrite the Consent Decree which they negotiated and entered into on October 25, 2001. These issues necessitate a reply by the United States, including an accurate description of the body of case law regarding the heavy burden associated with a party's attempt to modify a consent decree. Pursuant to Civil Local Rule 7(c), the United States must obtain leave of Court in order to file a Reply Memorandum. On May 13, 2005 the United States filed a Motion seeking until May 17, 2005 to file a Motion

seeking leave to file Reply Memorandum.

Therefore, the United States respectfully requests that the Court grant the United States' Motion for Leave to File a Reply and allow the filing of the Reply tendered herewith.

May 17, 2005

Respectfully Submitted,

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s/ Henry S. Friedman
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CERTIFICATE OF SERVICE

I, Henry S. Friedman, hereby certify that on May 17, 2005 copies of the United States of America's Motion for Leave to Reply and Memorandum in Reply to Defendants' Opposition to Motion of the United States for Contempt was served by means of the CMF/EMF electronic docket system on the following registered users of that system:

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